

## Can I appeal the decision?

If the Board of Zoning Appeals denies your application for variance approval you may amend your application and resubmit for variance approval. If the amended application is filed within six months of the Board's denial of the original application, the applicant shall not be charged an application fee.

## How long will it take for approval?

The usual process takes approximately 30 – 60 days.

## What fees must I pay?

The fees are dependant upon the type of variance requested as set forth below:

Design Variance	\$125.00
Use Variance	\$125.00



**TOWN OF SPENCER  
PLANNING COMMISSION**

Form No. 6 SPC  
(A/02-09)

## ***VARIANCE PROCEDURES***

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Spencer Municipal Building

90 N West Street

Spencer, Indiana 47460

(812) 829-3213

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# HOW TO APPLY FOR A VARIANCE



## What is a variance?

A variance allows you, under special circumstances, to develop your property in a manner that varies from zoning regulation requirements. You may request a variance when strict enforcement of the regulations would:

- ✓ Make it difficult for you to develop your parcel
- ✓ Cause you unnecessary hardships
- ✓ Result in inconsistencies with the intent of zoning regulations

In general your variance will probably be approved if your property has some unique characteristic such as a severe slope or an odd shape that prevents you from enjoying the same kind of property use that your neighbors have. You may request a variance for a Use or Design. Common examples are: building height, building location, setbacks, and lot coverage



## What determines whether my request for a variance will be approved?

You must meet the following standards:

### Use Variance Approval

- ✓The approval must not be injurious to the public health, safety, morals, and general welfare of the community;

- ✓The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

- ✓The need for the variance arises from some condition peculiar to the property involved

- ✓The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and,

- ✓The approval does not interfere substantially with the Comprehensive Plan.

### Variance from Developmental Standards

- ✓The approval must not be injurious to the public health, safety, morals, and general welfare of the community;

- ✓The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and,

- ✓The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.



## What will give my application the best chance for approval?

You must prove that your situation meets the criteria above. When you submit your application provide the best information possible.

Attend the public hearing so that you can speak for your project and respond to the questions from those who may be worried about how your land use might affect them.

Evaluate other alternatives. If they are not suitable, explain why in your application.

## HOW DO I APPLY FOR A VARIANCE?

Submit a completed application and the following to the Spencer Town Clerk/Treasurer:

- ✓An Environmental Impact Statement, if required
- ✓Restrictive covenants if you reside in a subdivision
- ✓Proof of Ownership, for example a deed
- ✓Legal Description of property, for example a deed
- ✓If you do not own the property, evidence that the owner agrees with your request for a variance (example is attached to variance application)
- ✓A site plan
- ✓Certified listing of adjacent landowners, you may get this from the Mapping Department.
- ✓Fees

## What happens after I apply?

Once your application is deemed complete by the Planning staff, you will be given a date for a public hearing. You must publish notice of this legal hearing one time at least 10 days before the hearing in a local newspaper. An example of a public hearing notice is attached to the Variance Application. You must also send legal notice to all adjacent landowners by certified mail, an example of this is also attached to the Variance application. At the hearing you will have to provide proof of publication of the legal notice and proof of mailing of notice to adjacent landowners.